

# California Drug Court Project

## NONTRADITIONAL PROSECUTION

Drug treatment courts were developed in the early 1990s as an alternative to traditional criminal justice prosecution for drug-related offenses. These courts combine the close supervision of the judicial process with resources available through alcohol and drug treatment services. The two goals of these programs are to reduce recidivism of drug-related offenses and to create options within the criminal justice system to tailor effective and appropriate responses to offenders with drug problems.

Drug courts have gained wide acceptance, even at the national level. General Barry McCaffrey, Director of the Office of the U.S. National Drug Control Policy, explains that, “If you don’t like paying for jails, if you don’t like a waste of tax dollars, then you’ll like the concept of drug courts. This is an initiative that’s been working.”

## GUIDELINES

The Judicial Council adopted section 36 of the California Standards of Judicial Administration, “Guidelines for Diversion Drug Court Programs,” effective January 1, 1998, which provides clarification specifically for preplea diversion drug courts under Penal Code section 1000.5. (The preplea diversion program allows criminal proceedings to be suspended while the defendant participates in a program involving counseling, drug testing, education, or other requirements. If

## PROJECT GOALS

The goal of the California Drug Court Project is to encourage the development of drug courts throughout the state by providing seed funding and technical support. By providing funding and technical support, the project aims to (1) help jurisdictions develop new drug courts; (2) enhance existing drug courts by enabling current programs to expand services to specific populations, such as youths; and (3) encourage drug courts to use innovative approaches, such as new treatments and methodologies.

The California Drug Court Project also develops and promotes consistent and professional standards for drug courts and monitors the progress of courts that have received mini-grants to determine effective drug court strategies.

the defendant successfully completes the program, the criminal charges are dismissed.)

In addition to these minimum standards, courts are encouraged to look to the guidelines from the National Association of Drug Court Professionals (NADCP), *Defining Drug Courts: The Key Components*, which elaborate drug courts’ purpose and performance measurements. The guidelines include the following:

1. Drug courts integrate alcohol and other drug treatment services with justice system

processing.

2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence and use of alcohol and other drugs are monitored by frequent drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Effective drug court operations require continuing interdisciplinary education.
10. Forging partnerships among drug courts, public agencies, and community-based organizations increases the availability of treatment services, enhances drug court effectiveness, and generates local support.

## PROJECT FUNDING

The success of the drug courts, evidenced by their proliferation in California and across the nation, has resulted in both federal and state funding support. In 1996–1997, initial federal funding of \$500,000 was made available for drug courts in the state through the Edward Byrne Fund to the California Office of Criminal Justice Planning (OCJP). The Administrative Office

## RESOURCES

- Judicial Council, Administrative Office of the Courts: Monica Driggers, 415-865-7618; Sandy Claire, 415-865-7632
- Judicial Council, Administrative Office of the Courts—general information: [www.courtinfo.ca.gov/programs/drugcourts](http://www.courtinfo.ca.gov/programs/drugcourts); information about educational programs: Karen Moen, 415-865-7823
- California Association of Drug Court Professionals: Judge Tomar Mason, Superior Court of San Francisco, Hall of Justice, Room 201, 850 Bryant Street, San Francisco, CA 94103, 415-553-9406
- National Association of Drug Court Professionals: 901 North Pitt Street, Suite 300, Alexandria, VA 22314, 703-706-0576
- U.S. Department of Justice, Office of Justice Programs, Drug Court Program Office: Marilyn Roberts, Director, 633 Indiana Avenue, NW, Washington, DC 20531, 800-421-6770, [www.ojp.usdoj.gov/dcpo/](http://www.ojp.usdoj.gov/dcpo/)
- Justice Programs Office, Bureau of Justice Assistance Drug Court Clearinghouse: American University, 4400 Massachusetts Avenue, NW, Washington, DC 20016-8159, 202-885-2875, FAX: 202-005 7005

of the Courts (AOC) was selected to administer the grant. OCJP has provided \$1 million annually for the last three years. The current mini-grant cycle will run through June 30, 2000.

An Oversight Committee for the California Drug Court Project was appointed by Chief Justice Ronald M. George to oversee this activity and to make recommendations regarding these grant funds, as well as recommendations relevant to the rapid expansion of drug courts in California. This task force will be replaced in 2000 by the Collaborative Justice Courts Advisory Committee.

## THE DRUG COURT PARTNERSHIP ACT

In September 1998, the California Legislature enacted the Drug Court Partnership Act to fund counties that develop and implement drug court programs that will likely provide the greatest public safety benefit and be most effective in reducing state and local costs. This legislation established a unique partnership between the state Department of Alcohol and Drug Programs (DADP) and the Judicial Council for the purpose of demonstrating the cost-effectiveness of drug courts. The act created a competitive grants program to which county alcohol and drug program administrators may submit grant requests as part of multiagency plans that identify the resources and strategies needed for effective drug court programs. Under the language of the act, it is intended that \$8 million/year will be provided to fund this grants program for four years starting in fiscal year 1998–1999. DADP administers the partnership with the concurrence of the Judicial Council.

## THE DRUG COURT MOVEMENT

According to recent estimates of the U.S. Department of Justice's Bureau of Justice Assistance Drug Court Clearinghouse at American University, drug court programs operate in 47 states and also in Native American tribal courts, Washington, D.C., and two federal court districts. Clearinghouse statistics indicate that 370 programs have been implemented or are being planned. The estimated number of individuals who have enrolled in drug court programs is 45,000, with a participation and retention rate of 70 percent. In addition, more than 325 drug-free babies have been born to drug court participants.

Since 1995, over 11 states have enacted or currently have pending legislation dealing with the establishment or funding of drug courts. In

California, more than 47 counties have drug courts, and the AOC estimates that more than 100 drug courts are in existence, being planned, or under discussion.

## PROGRAM BENEFITS

Drug court programs are considerably more effective than traditional criminal prosecution methods, according to the U.S. Department of Justice's Bureau of Justice Assistance Drug Court Clearinghouse, which surveyed 20 drug court programs in effect for at least one year. The results are contained in the two-volume report *Drug Courts: An Overview of Operational Characteristics and Implementation Issues*. Among the findings are the following:

- Recidivism has been significantly reduced among drug court program participants,
- Drug use has significantly decreased among drug court participants while they are involved in the program,
- An unanticipated beneficial effect has been the birth of a significant number of drug-free babies to women enrolled in drug court programs,
- Many programs are now expanding their targeted population based on the success of their initial implementation experience,
- Prosecutors and law enforcement officials have demonstrated significant support for drug court programs and in a number of jurisdictions have contributed asset-forfeiture funds to augment available treatment resources.
- Drug court programs are extremely cost-effective, with the average treatment component ranging from \$900 to \$1,600 per participant, compared with an average cost of \$5,000 per defendant for a minimal period of incarceration.

## PROGRAM BENEFITS

In June 1998 a nationally recognized report from the National Center on Addiction and Substance Abuse (NCASA) at Columbia University concluded that:

1. Drug courts have been successful in engaging and retaining repeat felony offenders,
2. Drug courts provide more comprehensive supervision of offenders than other forms of community supervision,
3. Drug use and criminal behavior are substantially reduced while clients are participating in drug court,
4. Criminal behavior is lower after program participation, especially for graduates,
5. Drug courts generate cost savings from reduced jail/prison use, reduced criminality, and lower criminal justice system costs.
6. Drug courts have been successful in bridging the gap between the court and treatment providers, as well as between the criminal justice system and the community at large.

The 27-member Judicial Council is the policymaking body of the California courts, the largest and busiest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff agency to the council.